

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

WILLIE TERION WASHINGTON,	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 4:07-CV-721
	§	
BOBBY LUMPKIN,	§	
Director, Texas Department of	§	
Criminal Justice, Correctional	§	
Institutions Division,	§	
Respondent.	§	

**UNOPPOSED MOTION FOR CONTINUANCE OF EVIDENTIARY
HEARING SCHEDULED FOR JUNE 6, 2022**

Petitioner, Willie Terion Washington, through counsel, respectfully requests that the Court grant a continuance of the evidentiary hearing scheduled in this case. Respondent is unopposed to the relief requested herein.

Pursuant to the Amended Scheduling Order, ECF Doc. 220, this case is scheduled for an evidentiary hearing to be conducted on the week of June 6, 2022. The parties have met all pre-hearing deadlines to this point, including designating experts, exchanging witness and exhibit lists, and filing pre-hearing objections and responses. However, despite Petitioner's diligence, a number of unforeseen obstacles are now impeding his ability to effectively prepare for the June 6 hearing.

Petitioner seeks a continuance of the hearing for the following reasons:

First, undersigned counsel is unable to meet with Petitioner to prepare for this hearing. Following the recent inmate escape, TDCJ has imposed a ban on visits and telephone calls to many Texas prisons, including the Polunsky Unit where Petitioner is housed.¹ As a result, undersigned counsel was recently turned away from visiting Petitioner and has been unable to schedule any future communication. Access to counsel is critical to Mr. Washington's hearing preparation, and the current TDCJ lockdown impedes that access "until further notice."

Second, multiple members of the defense team are currently battling COVID or a similar severe illness, interfering with their ability to contribute at this crucial time. One member was required to be hospitalized this week. Moreover, one of Mr. Washington's testifying experts is also currently battling a COVID infection.

This motion is not intended for the purpose of delay. Despite Mr. Washington's best efforts to effectively prepare for this hearing in the midst of the pandemic, the team has been mired by the recent resurgence of COVID cases. This, combined with Mr. Washington's inability to access counsel "until further notice," compels undersigned counsel to request a modest continuance of the June 6 hearing to allow for the current obstacles to clear.

¹ See *Active Alerts: Visitation Cancellation*, TDCJ (May 18, 2022), https://www.tdcj.texas.gov/alert/index_visitation_cancelled.html.

For the foregoing reasons, Mr. Washington respectfully requests the scheduled evidentiary hearing be reset for the week of August 22, 2022.

Respectfully submitted,

/s/ Derek VerHagen

DEREK VERHAGEN
Federal Public Defender
Capital Habeas Unit
TX Bar No. 24090535
525 S. Griffin Street, Suite 629
Dallas, Texas 75202
Telephone: (214) 767-2746
Facsimile: (214) 767-2886
Email: derek_verhagen@fd.org

/s/ David C. Currie

DAVID C. CURRIE
Federal Public Defender
Capital Habeas Unit
TX Bar No. 24084240
525 S. Griffin Street, Suite 629
Dallas, Texas 75202
Telephone: (214) 767-2746
Facsimile: (214) 767-2886
Email: david_currie@fd.org

/s/ James C. Lohman

JAMES C. LOHMAN
1806 East 39th Street
Austin, Texas 78722
(512) 542-9947
S.D. Texas Bar #764049
Florida Bar #570214

ATTORNEYS FOR PETITIONER

CERTIFICATE OF CONFERENCE

I hereby certify that on May 18, 2022, I conferred with counsel for the Respondent, who indicated no opposition to the relief requested herein.

/s/ Derek VerHagen
Derek VerHagen

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Unopposed Motion for Continuance of Evidentiary Hearing has been served by CM/ECF upon counsel for Respondent on May 19, 2022.

/s/ Derek VerHagen
Derek VerHagen